

EXAMINER'S COMMENT

1. In view of the appeal brief filed on February 26, 2010, PROSECUTION IS HEREBY REOPENED.

Response to Arguments

2. Applicant's arguments, see Remarks, filed February 26, 2010, with respect to the rejections of claims 1, 17, 30 and 41-43 under 35 U.S.C. 102 and/or 35 U.S.C. 103 have been fully considered and are persuasive. Specifically, upon further review of the English translation of Suzuki cited against the claims, it is clear from the drawings only that the only way that the article lies flat in the dry state is if a portion of the article is folded over the top, which does not meet the limitation of claims 1, 17, 30 and 41-43 regarding an entire structure that lies flat as this would require the flaps of the Suzuki article to be unfolded and the translation and drawings do not provide sufficient support for the position that these flaps would lie flat once unfolded such that the entire structure lies flat in a dry state. The examiner notes disagreement with the applicant's position that the machine translation is insufficient to rely on at all due to lack of clarity, as the examiner believes the translation is sufficiently clear regarding the relevant structural features of the article with respect to the claims. The rejections of claims 1, 17, 30 and 41-43 under 35 U.S.C. 102 and/or 35 U.S.C. 103 have been withdrawn.

Allowed Claims

3. Claims 1, 3, 7-15, 17-22 and 24-46 are allowed.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: Applicant presented arguments traversing the rejections of claims 1, 17, 30 and 41-43 under 35 U.S.C. 102 and/or 35 U.S.C. 103 that were sufficient to overcome those rejections over the closest prior art of record, Suzuki, alone or in combination with Carlucci or Hamilton. The specific arguments that were persuasive, which are also the specific reasons for allowance, are stated *supra* in paragraph 2 of this action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELANIE J. HAND whose telephone number is (571)272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melanie J Hand/
Primary Examiner, Art Unit 3761